

Proposed response template on written submissions prior to INC-3 (part b)

Potential Areas Identified by the Contact Groups

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups¹, to inform the work of INC-3.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

All written submissions must be sent to unep-incplastic.secretariat@un.org. The submissions received will be made available on the INC webpage.

Please note that not all fields in the template need to be answered in the submission.

Deadline for submissions:

- I. By **15 August 2023** for written submissions from **observer** organizations.
- II. By **15 September 2023** for written submissions from **Members** of the Committee.

¹ Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.

TEMPLATE FOR SUBMISSIONS

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| Name of country (for Members of the committee) | |
| Name of organization (for observers to the committee) | Secretariat of the Basel, Rotterdam and Stockholm conventions |
| Contact person and contact information for the submission | Kei Ohno (kei.ohno@un.org) |
| Date of submission | 15 August 2023 |

Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)**Potential areas for intersessional work**

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity
2. Information on criteria, also considering different applications and sectoral requirements, including:
 - a. Chemical substances of concern in plastics,
 - b. Problematic and avoidable plastic polymers and products and related applications
 - c. Design e.g. for circularity, reuse
 - d. Substitutes and alternatives to plastic polymers and products
3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products
4. Potential sources of release of microplastics (applications and sectors).

(Please note: A longer list is included in the co-facilitators report on discussions in contact group 1². Submissions may also include input on any of the items in that longer list, such as, amongst others, the development of criteria to prioritise problematic and avoidable plastics; the development of targets for the reduction, reuse and repair of problematic and avoidable plastic products; or the guidelines on EPR)

² The report can be accessed here: <https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf>.

Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]
2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]
3. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered
4. To consider how other MEAs provide for monitoring, and suggest best practice
5. To consider options to define ‘technology transfer on mutually agreed terms
6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))
8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member
9. To identify capacity building and training needs for each Member.

Inputs relating to potential areas for intersessional work. Please identify clearly which area your input relates to.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity

The Basel Convention sets out in its Article 2 the definition of key terms such as “wastes”, “management”, “disposal”, and “environmentally sound management of hazardous wastes or other wastes”. The Conference of the Parties to the Basel Convention has adopted a “Glossary of terms” (UNEP/CHW.13/4/Add.2).³ The general purpose of the glossary of terms is the clarification of certain terms in order to improve the implementation of the Convention and the application of technical guidelines and guidance documents developed under the Convention. It provides definitions of terms such as wastes, non-wastes, hazardous wastes, hazardous characteristics, disposal, final disposal, recovery, recycling, repair, refurbishment, reuse and direct reuse. Other definitions are set out in glossaries contained in thematic-specific technical guidelines and guidance documents adopted by the Conference of the Parties.

Furthermore, when considering the definition of plastics, the information contained in the Basel Convention’s technical guidelines on the environmentally sound management of plastic waste (UNEP/CHW.16/6.Add.3/Rev.1)⁴ should be taken into account. Chapter I, Section C, titled “Types of plastics”, provides a description of polymer classification, common and other types of polymers, plastics in composites, plastic multilayers, and polymer blends, as well as typical additives and processing aids.

³ <https://www.basel.int/tabid/3622/Default.aspx>.

⁴ <http://www.basel.int/Portals/4/Basel%20Convention/docs/plastic%20waste/UNEP-CHW.16-6-Add.3-Rev.1.English.pdf>.

2. Information on criteria, also considering different applications and sectoral requirements, including:
 - a. Chemical substances of concern in plastics,
 - b. Problematic and avoidable plastic polymers and products and related applications
 - c. Design e.g. for circularity, reuse
 - d. Substitutes and alternatives to plastic polymers and products

Stockholm Convention

Pursuant to paragraph 1 of Article 8 of the Stockholm Convention, any Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C to the Convention. The proposal shall contain the information specified in Annex D. After the Secretariat's verification, the Persistent Organic Pollutants Review Committee examines the proposal and apply the screening criteria specified in Annex D in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner.

If the Committee is satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, make the proposal and the evaluation of the Committee available to all Parties and observers; invite them to submit the information specified in Annex E; further review the proposal, taking into account any relevant additional information received; and prepare a draft risk profile in accordance with Annex E.

If, on the basis of the risk profile conducted in accordance with Annex E, the Committee decides that the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted, the proposal shall proceed. Lack of full scientific certainty shall not prevent the proposal from proceeding. The Committee, through the Secretariat, invites information from all Parties and observers relating to the considerations specified in Annex F. It then prepares a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex.

The Committee, based on the risk profile and the risk management evaluation, recommends whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including any scientific uncertainty, decides, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.

Annex D to the Stockholm Convention provides information requirements for a proposal to list a chemical in Annexes A, B and/or C and screening criteria. It includes chemical identity, persistence, bioaccumulation, potential for long-range environmental transport, and adverse effects.

Annex E to the Convention provides information requirements for the risk profile. The purpose of the review at the risk profile stage is to evaluate whether the chemical is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects, such that global action is warranted. For this purpose, a risk profile is developed that further elaborates on, and evaluates, the information referred to in Annex D and includes, as far as possible, the following types of information: sources, hazard assessment; environmental fate; monitoring data; exposure; national and international risk evaluations, assessments or profiles and labelling information and hazard classification; status of chemical under international conventions.

Annex F to the Convention provides information on socio-economic considerations. At this stage, an evaluation should be undertaken regarding possible control measures for chemicals under consideration

for inclusion in the Stockholm Convention, encompassing the full range of options, including management and elimination. For this purpose, relevant information should be provided relating to socio-economic considerations associated with possible control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for the differing capabilities and conditions among the Parties and should include consideration of the following indicative list of items: efficacy and efficiency of possible control measures in meeting risk reduction goals; alternatives; positive and/or negative impacts on society of implementing possible control measures; waste and disposal implications; access to information and public education; status of control and monitoring capacity; Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.

The criteria in Annex D serve as reference points for the characteristics of persistent organic pollutants (POPs). According to paragraph 2 (a) of Article 6 of the Stockholm Convention, the characteristics of POPs specified in Annex D to the Stockholm Convention are considered by the Basel Convention when establishing levels of destruction of waste containing POPs to ensure that such characteristics are not exhibited.

Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party to the Stockholm Convention, upon notification to the Secretariat, may allow the production and use of quantities of certain chemicals listed in Annex A or B as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of POPs.

In order to prevent the future potential introduction of chemicals with Annex D characteristics to the market, the Stockholm Convention Article 3 paragraphs 3 and 4 provides the following measures:

“3. Each Party that has one or more regulatory and assessment schemes for new pesticides or new industrial chemicals shall take measures to regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which, taking into consideration the criteria in paragraph 1 of Annex D, exhibit the characteristics of POPs.

4. Each Party that has one or more regulatory and assessment schemes for pesticides or industrial chemicals shall, where appropriate, take into consideration within these schemes the criteria in paragraph 1 of Annex D when conducting assessments of pesticides or industrial chemicals currently in use.”

Guidance documents on alternatives to the chemicals listed in Annex A or B to the Stockholm Convention have been developed. To prevent regrettable substitution, the POPs Review Committee has developed “Guidance on considerations related to alternatives and substitutes for listed persistent organic pollutants and candidate chemicals” (UNEP/POPS/POPRC.5/10/Add.1). Moreover, the COP has assigned the DDT expert to evaluate the continued need for DDT and the availability of alternatives. Similarly, the POPs Review Committee has been mandated by the COP to conduct assessments of alternatives to PFOS and endosulfan, as well as to evaluate the continued need for BDEs, SCCPs and PFOS.

Basel Convention

The Basel Convention contains provisions of relevance to the design of products through its promotion of circularity, in particular Article 4 (2)(a) which provides that each Party shall take the appropriate measures to ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects. This provision was further elaborated upon by the Conference of the Parties in its decision BC-10/2, where it recognized the waste management hierarchy as a guiding principle which includes prevention, minimization, reuse, recycling, other recovery

including energy recovery, and final disposal. In addition, pursuant to the Guidance to assist Parties in developing efficient strategies for achieving the prevention and minimization of the generation of hazardous and other wastes and their disposal, adopted by decision BC-13/3, waste prevention and minimization strategies or measures may have the overall objective of decoupling waste generation from economic growth. Other objectives may include improving material and resource efficiency, decoupling resource use from economic growth, preventing the use of primary materials and shifting towards a circular economy.

3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products

Following the COP-11 in May 2023, the Stockholm Convention lists 34 chemicals or groups of chemicals in Annex A, B and/or C as POPs. Of those chemicals or groups of chemicals, 17 are considered as being associated with plastics. Some of these groups of chemicals listed as POPs encompass hundreds of related substances, such as the PFOA-related substances and PFHxS-related substances. Others consist of numerous isomers and congeners. Furthermore, there are two additional chemical groups currently under review by the POPs Review Committee that also find application as plastic additives: chlorinated paraffins with carbon chain lengths in the range C₁₄₋₁₇ and chlorination levels at or exceeding 45% chlorine by weight; long-chain perfluorocarboxylic acids, their salts and related compounds.

The Stockholm Convention does not list “products” for elimination; however, it identifies certain applications as specific exemptions or acceptable purposes. For instance, decabromodiphenyl ether is listed in Annex A to the Stockholm Convention with a number of specific exemptions including for additives in plastic housings and parts used for heating home appliances, irons, fans, immersion heaters that contain or are in direct contact with electrical parts or are required to comply with fire retardancy standards, at concentrations lower than 10 per cent by weight of the part; polyurethane foam for building insulation; and parts in vehicles such as reinforced plastics (instrument panels and interior trim).

Article 6 of the Stockholm Convention emphasizes the need for Parties to identify POPs in stockpiles, products and articles in use, and in wastes, to the extent practicable. During the recent Stockholm COP-11 held in May 2023, it was acknowledged that Parties face challenges in implementing these provisions, particularly in relation to traceability of chemicals, including those found in plastics. In decision SC-11/12, the COP requested the POPs Review Committee to explore options for identifying these chemicals in stockpiles, products, articles in use, and wastes, with the aim of assisting Parties in their implementation. The Committee is expected to commence its work at the nineteenth meeting scheduled to take place from 9 to 13 October 2023 in Rome.⁵

4. Potential sources of release of microplastics (applications and sectors).

The Stockholm Convention does not regulate the release of microplastics. It is worth noting that the POPs Review Committee is currently in the process of developing a document on long-range environmental transport (UNEP/POPS/POPC.19/INF/14). This document encompasses information about the potential long-range environmental transport of POPs on microplastics. Microplastics might contain POPs used as polymer additives, such as BDE-209 and UV-328. These microplastics have been detected in various biotic and abiotic samples throughout the Arctic, including sea ice, as well as in atmospheric deposition. Despite their widespread presence, the sources of microplastics remain inadequately understood, including the

⁵ www.pops.int/poprc19.

relative significance of local and distant sources of these microplastics (Hamilton et al., 2022; Allen et al., 2019; Bergmann et al., 2019; Evangelidou et al., 2020; Bergmann et al., 2022). Additives contained within these particles (rather than being adsorbed onto the surface) might follow the same transportation and deposition patterns as the particles themselves. The draft document will be considered at the Committee's nineteenth meeting in October 2023.

Contact Group 2:

5. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]]

The implementation of the Basel, Rotterdam, and Stockholm Conventions is facilitated by key technical and scientific bodies. These bodies play a vital role in guiding the policies, practices, and decisions related to the conventions.

The Open-ended Working Group (OEWG), mandated by decision VI/36, supports the Basel Convention by assisting the Conference of the Parties in developing and continuously reviewing the Convention's work plan, operational policies, and decisions specified in Article 15. It provides advice on various aspects of implementation within the approved budget, including policy, technical, scientific, legal, institutional, administrative, financial, and budgetary matters. The OEWG also identifies training and technology transfer needs for different regions, discusses ways to establish and operate Basel Convention Regional Centres for Training and Technology Transfer, and presents its work plan to the COP for consideration.

For the Rotterdam Convention, the Chemical Review Committee (CRC) acts as a scientific body that recommends chemicals for listing in Annex III to the Convention making them subject to the Prior Informed Consent (PIC) procedure. The Conference of the Parties to the Rotterdam Convention adopted the terms of reference of the Committee in decision RC-1/6. The Chemical Review Committee consists of 31 government-designated experts drawn from the five UN regions.⁶

Similarly, the Stockholm Convention benefits from the expertise of the Persistent Organic Pollutants Review Committee (POPRC), which evaluates chemicals for listing in the Convention's annexes. The POPRC assesses the potential risks of persistent organic pollutants (POPs) to human health and the environment. The collaborative efforts of this Committee enable the identification of new POPs and the continual reassessment of existing ones, promoting the global reduction and elimination of these hazardous substances. The Conference of the Parties to the Stockholm Convention adopted the terms of reference of the Committee in decision SC-1/6. The POPs Review Committee also consists of 31 government-designated experts drawn from the five UN regions.⁷ Further information on the process for reviewing chemicals proposed for listing in Annexes A, B and/or C to the Convention can be found on the website.⁸

To foster cooperation and coordination among these technical and scientific bodies, the Secretariat facilitates communication, data sharing, and information dissemination. Regular meetings, conferences, and workshops provide platforms for Parties to discuss challenges, share best practices, and align efforts in line with the conventions' objectives. This collaborative approach ensures that the implementation of the Basel, Rotterdam and Stockholm conventions remains a collective effort with the support of scientific expertise and technical resources.

⁶ <https://www.pic.int/tabid/2897/Default.aspx>.

⁷ <https://chm.pops.int/tabid/2808/Default.aspx>.

⁸ <https://chm.pops.int/tabid/2806/Default.aspx>.

During its first meeting held in 1998, the intergovernmental negotiating committee for POPs (Stockholm INC-1) established a Criteria Expert Group for persistent organic pollutants. The purpose of this group was to prepare and present proposals for science-based criteria and a procedure for identifying additional chemicals for future international action.

At INC-1, the terms of reference for the Criteria Expert Group were adopted, as set out in annex II to the meeting report (UNEP/POPS/INC.1/7, paragraphs 64-73). The group was open to government-designated experts as well as observers, and co-chairs and a rapporteur were elected during INC-1. Below is a copy of the terms of reference. The report of INC-1, which includes the terms of reference, is available on the website of the Stockholm Convention.⁹

TERMS OF REFERENCE FOR THE CRITERIA EXPERT GROUP FOR PERSISTENT ORGANIC POLLUTANTS

Mandate

1. The Criteria Expert Group for Persistent Organic Pollutants is an open-ended technical working group established by the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (POPs), in accordance with UNEP Governing Council decision 19/13 C, paragraph 9, to prepare and present to the Intergovernmental Negotiating Committee proposals for science-based criteria and a procedure for identifying additional POPs as candidates for future international action.
2. The Criteria Expert Group shall work expeditiously, proceeding concurrently with the Intergovernmental Negotiating Committee process, to develop criteria for consideration by the Intergovernmental Negotiating Committee in the negotiation of a legally binding instrument. The process should incorporate criteria pertaining to persistence, bioaccumulation, toxicity and exposure in different regions and should take into account the potential for regional and global transport including dispersion mechanisms for the atmosphere and the hydrosphere, migratory species and the need to reflect possible influences of marine transport and tropical climates.

Objective

3. The Criteria Expert Group shall complete its work on the draft criteria and procedure referred to in paragraph 1 above to be submitted for consideration by the Intergovernmental Negotiating Committee at or before its fourth session.

Participation

4. Criteria Expert Group meetings shall be fully open to government-designated experts. Governments may designate more than one expert. Representation of all regions should be encouraged. The Criteria Expert Group shall allow for regional representation should the regions so propose.
5. Intergovernmental and non-governmental organizations may participate as observers.
6. Participants should have technical expertise in chemicals assessment and management, and knowledge of socio-economic factors. Regional networking should be encouraged to ensure the input of a broad representation of views and to offset differences in expertise available to countries at varying stages of development.

⁹ <http://chm.pops.int/TheConvention/Overview/History/Documents/tabid/62/Default.aspx>.

Meetings

7. The scheduling of meetings of the Criteria Expert Group shall be decided upon by the Intergovernmental Negotiating Committee. Subject to the availability of funds, it is expected that the Criteria Expert Group will meet prior to the second session of the Intergovernmental Negotiating Committee.

Officers

8. The Intergovernmental Negotiating Committee shall elect, from among the Government representatives, officers consisting of two Co-Chairs and a Rapporteur. The officers form the Bureau of the Criteria Expert Group.

Secretariat

9. The Executive Director of UNEP will provide the Secretariat for the Criteria Expert Group.

Proposals and recommendations to the Intergovernmental Negotiating Committee

10. In accordance with its mandate, the Criteria Expert Group shall make every effort to reach agreement by consensus among participating Governments on recommendations to be submitted to the Intergovernmental Negotiating Committee. If consensus cannot be reached, all proposals by participating Governments shall be reflected in a report to be submitted to the Intergovernmental Negotiating Committee.

Administrative and procedural matters

11. The Criteria Expert Group shall apply, mutatis mutandis, the rules of procedure of the Intergovernmental Negotiating Committee.

Agenda

12. The Secretariat, in consultation with the officers of the Criteria Expert Group, shall prepare a provisional agenda for each meeting of the Group. The provisional agenda shall be communicated to all participants of the International Negotiating Committee at least six weeks before the opening of the Criteria Expert Group meeting.

Reports

13. The Criteria Expert Group shall consider and adopt a report at each meeting to inform the International Negotiating Committee concerning the results of its discussions, including the proposals and recommendations according to paragraph 10 above. The reports will be circulated to all participants in the Criteria Expert Group and the Intergovernmental Negotiating Committee.

Languages

14. Arabic, Chinese, English, French, Russian and Spanish shall be the working languages of the Criteria Expert Group.

6. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]

In accordance with Article 7 of the Convention, each Party to the Stockholm Convention shall develop and endeavour to implement a plan for the implementation of its obligations under this Convention; transmit its implementation plan to the Conference of the Parties within two years of the date on which this Convention enters into force for it; and review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specified by a decision of the Conference of the Parties. At its first

meeting, the Conference of the Parties adopted decision SC-1/12 setting out guidance for the review and updating of national implementation plans. Several guidance documents to support Parties to develop, review and update national implementation plans have been made available on the website.¹⁰

7. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered

The Rotterdam Convention and the Stockholm Convention respectively provide an express legal basis for their Conferences of the Parties to cooperate with international organizations and intergovernmental and non-governmental bodies.¹¹ Under the Basel Convention, international cooperation falls under the scope of the general functions of the Conference of the Parties.¹² Each Convention also respectively provides for the Secretariat to cooperate with international bodies.¹³ At each meeting, the conferences of the Parties adopt substantively similar decisions guiding the various international cooperative activities to be undertaken by the Secretariat with a range of other organizations and stakeholders with a view to enhance consistency and coherence between the requirements and processes of the conventions and those of others, and promote their mutual supportiveness; share experiences, approaches and policies with respect to the implementation of the conventions; and increase efficiency, resources and expertise for the implementation of the mandates and programmes of work of the conventions. Document UNEP/CHW.16/INF/37–UNEP/FAO/RC/COP.11/INF/20–UNEP/POPS/COP.11/INF/41 provides an overview of the broad scope of international cooperative activities undertaken by the Secretariat.

In addition, the respective bodies under the three conventions work closely together on areas of common interest through enhanced coordination and cooperation.

8. To consider how other MEAs provide for monitoring, and suggest best practice

Stockholm Convention: In accordance with Article 16 of the Stockholm Convention, commencing four years after the date of entry into force of the Convention, and every six years thereafter, the Conference of the Parties evaluates the effectiveness of the Convention.¹⁴ The Conference of the Parties establishes an effectiveness evaluation committee for each evaluation cycle to develop a report on the evaluation of effectiveness of the Convention. The most recent evaluation took place at the eleventh meeting of the Conference of the Parties in 2023.

In order to facilitate such evaluation, the Conference of the Parties established arrangements to provide itself with comparable monitoring data on the presence of the chemicals listed in Annexes A, B and C as well as their regional and global environmental transport (Global Monitoring Plan for persistent organic pollutants).¹⁵ Article 15 of the Stockholm Convention provides that each Party is to report on the implementation of the Convention every four years.¹⁶ Information derived from the Global Monitoring Plan and the national reports submitted by Parties serves as the primary source of information for the

¹⁰ <https://chm.pops.int/tabid/7730/Default.aspx>.

¹¹ Rotterdam Convention, Article 18.5 (b); Stockholm Convention, Article 19.5 (b).

¹² Basel Convention, Article 15.5 (c).

¹³ Basel Convention, Article 16.1 (d); Rotterdam Convention, Article 19.2 (c); and Stockholm Convention, Article 20.2 (c).

¹⁴ <http://chm.pops.int/tabid/3668>.

¹⁵ <http://chm.pops.int/tabid/83>.

¹⁶ <http://chm.pops.int/tabid/369>.

evaluation. Furthermore, Article 11 of the Stockholm Convention provides requirements related to research, development and monitoring.

At its eleventh meeting, the Conference of the Parties to the Stockholm Convention adopted compliance procedures and mechanisms pursuant to Article 17 of the Convention to assist Parties to comply with their obligations under the Convention and to facilitate, promote, assist in, advise on and aim to secure the implementation of and compliance with the obligations under the Convention. Along with the monitoring and evaluation of the effectiveness of the Convention, the compliance mechanism is expected to support effective implementation of the Convention by individual Parties, and in relation to systemic issues of general compliance and implementation of interest to all Parties.

Basel Convention: Article 13 of the Basel Convention provides that each Party is to transmit, before the end of each calendar year, a report on the previous calendar year, containing relevant information (e.g. on generation of waste, imports and exports, availability of disposal facilities).¹⁷ In decision BC-15/13, the Conference of the Parties took note of the practical guidance on the development of inventories of plastic waste (UNEP/CHW.15/INF/19/Rev.1). The Basel Convention national reports include reporting on plastic waste as it falls under the Convention.

Established in 2002, the Committee Administering the Mechanism for Promoting Implementation and Compliance (ICC) has the mandate to review both specific submissions regarding individual Parties' implementation and compliance, and general issues of implementation and compliance under the Convention. Over the years the Committee has helped 19 Parties resolve their compliance difficulties and monitored progress achieved by all Parties with their implementation of the Convention in relation to country contacts, reporting, legislation, illegal traffic and control measures.

Pursuant to Article 15 paragraph 7 of the Convention, the Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

Rotterdam Convention: At its ninth meeting, the Conference of the Parties gave effect to the legal basis set out in Article 17 for it to develop and approve, as soon as practicable, procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for the treatment of Parties found to be in noncompliance. The Committee has the mandate to review both specific submissions regarding individual Parties' implementation and compliance, and systemic issues of implementation and compliance under the Convention.

9. To consider options to define 'technology transfer on mutually agreed terms

Technology transfer in the context of the BRS conventions requires specific considerations due to potential environmental and health impacts associated with these areas. Key factors to consider for effective technology transfer in the chemicals and waste management include:

- Environmental and health impact: Assess potential environmental and health effects of the technology, ensuring alignment with regulations and developing risk mitigation strategies. Conduct lifecycle assessments, where feasible, to evaluate overall environmental impact;

¹⁷ <http://www.basel.int/tabid/2314>; <http://www.basel.int/tabid/8989>.

- Pollution prevention: Prioritize technologies that prevent pollution and reduce the release of hazardous substances into the environment;
- Regulatory compliance: Understand local regulations, permits, and laws related to chemicals and waste management, ensuring the technology adheres to these guidelines;
- Technology adaptation: Adapt the technology to suit local conditions, waste compositions, and infrastructure. Some technologies might require modifications to be effective in different geographical and industrial contexts;
- Capacity building and training: Ensure recipients have the technical expertise to operate and maintain the technology through proper training and skill-building;
- Community engagement: Involve local communities and stakeholders, particularly when introducing technologies impacting the environment and communities;
- Costs and economic viability: Evaluate the economic feasibility, operational costs, potential revenue, and return on investment of the technology transfer;
- Long-term sustainability: Consider the long-term sustainability of the technology and its impact on the overall chemicals and waste management strategy. Evaluate its potential for scalability and integration with existing systems.

The Small Grants Programme on Plastic Waste¹⁸ supports pilot projects to demonstrate the effectiveness of the technology in a real-world setting. This can help build confidence among stakeholders and provide valuable data for further optimization. Monitoring and reporting mechanisms are crucial to track the performance of the technology over time. Collaborating with local governments, research institutions, NGOs, and other stakeholders for expertise and resources is essential. A communication strategy is vital to inform the public about technology benefits, safety and address concerns or misconceptions.

When undertaking project implementations, it is imperative to take into account internationally approved guidance and relevant minimum environmental standards. This consideration encompasses not only local standards and regulations, but also extends to the guidance established under international agreements such as the Basel and Stockholm Conventions.

Through decisions of the Conferences of the Parties, Parties offer insights into suitable technologies, through the technical guidelines under the Basel Convention and the guidance on best available techniques and best environmental practices (BAT/BEP) under the Stockholm Convention. These guidelines and guidance promote environmentally responsible choices and set the stage for the application of advanced and effective technologies.

Regarding the mechanism for technology transfer under the Stockholm Convention, as stipulated in paragraphs 3 and 4 of Article 12 of the Convention, developed country Parties are required to provide technical assistance, and other Parties should do so according to their capabilities. This assistance should encompass, as deemed suitable and agreed upon mutually, the transfer of environmentally sound technologies for the purpose of capacity-building in relation to the fulfillment of Parties' obligations under the Convention. The Stockholm Convention, through decision SC-1/15, adopted the guidance on technical assistance and transfer of environmentally sound technologies. This guidance delineates various aspects, including identifying areas of technical assistance, technology transfer needs, and priorities.

Both the Basel and Stockholm Conventions have established regional centers. Paragraph 4 of Article 12 of the Stockholm Convention underscores the need for Parties to establish appropriate arrangements for

¹⁸ <https://www.basel.int/tabid/8402/Default.aspx>.

extending technical assistance and facilitating technology transfer to developing country Parties and those undergoing economic transitions. These arrangements should encompass regional and subregional centers aimed at building capacities and fostering technology transfer, assisting these Parties in meeting their Convention obligations. Additional guidance on this matter is expected from the Conference of the Parties.

In accordance with decision SC-4/23, the Convention established several Stockholm Convention regional centers (SCRCs). These centers were tasked with various responsibilities, including tasks related to monitoring, diagnosis, technical analysis, information collection, and the identification of techniques for the elimination and disposal of POPs.

The significance of the regional centers in promoting technology transfer pertinent to the Stockholm Convention was highlighted by decision SC-7/17. These centers were urged to cooperate and coordinate among themselves, leveraging their areas of expertise to offer assistance.

Through decisions BC-13/11 and SC-8/15, the Parties to the Basel Convention and the Stockholm Convention, respectively, directed the Secretariat to compile a report on the activities of the Stockholm Convention regional and subregional centers. This report, including information on technology transfer, was to be presented for consideration at the ninth meeting of the Conference of the Parties.

To facilitate the collection and organization of this information, the Secretariat provided a template to the regional centers, guiding them on reporting technology transfer-related activities. Subsequently, the centers have included details of their technology transfer activities in their biennial activity reports for the years 2017-2018, 2019-2020, and 2021-2022. These reports have been submitted to the Secretariat. Access to all these reports submitted by the Basel Convention Regional Centers (BCRCs) and Stockholm Convention Regional Centers (SCRCs) can be found on the website.¹⁹

Guidance and guidelines under the Stockholm Convention:

According to the Stockholm Convention, best available techniques (BAT) are defined as “the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole”. Furthermore, best environmental practices (BEP) are defined as “the application of the most appropriate combination of environmental control measures and strategies”.

Part V of Annex C to the Stockholm Convention offers general guidance to Parties, assisting them in preventing or reducing the unintentional release of POPs listed in Part I of this annex. The guidance includes measures including:

- (a) The use of low-waste technology;
- (b) The use of less hazardous substances;
- (c) The promotion of the recovery and recycling of waste and of substances generated and used in a process;
- (d) Replacement of feed materials which are POPs or where there is a direct link between the materials and releases of POPs from the source;
- (e) Good housekeeping and preventive maintenance programmes;

¹⁹ <https://www.basel.int/tabid/2992/Default.aspx>; <https://chm.pops.int/tabid/4112/Default.aspx>.

- (f) Improvements in waste management with the aim of the cessation of open and other uncontrolled burning of wastes, including the burning of landfill sites. When considering proposals to construct new waste disposal facilities, consideration should be given to alternatives such as activities to minimize the generation of municipal and medical waste, including resource recovery, reuse, recycling, waste separation and promoting products that generate less waste. Under this approach, public health concerns should be carefully considered;
- (g) Minimization of these chemicals as contaminants in products;
- (h) Avoiding elemental chlorine or chemicals generating elemental chlorine for bleaching.

In determining best available techniques, special consideration should be given, generally or in specific cases, to the following factors, bearing in mind the likely costs and benefits of a measure and consideration of precaution and prevention:

- (a) The nature, effects and mass of the releases concerned: techniques may vary depending on source size;
- (b) The commissioning dates for new or existing installations;
- (c) The time needed to introduce the best available technique;
- (d) The consumption and nature of raw materials used in the process and its energy efficiency;
- (e) The need to prevent or reduce to a minimum the overall impact of the releases to the environment and the risks to it;
- (f) The need to prevent accidents and to minimize their consequences for the environment;
- (g) The need to ensure occupational health and safety at workplaces;
- (h) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
- (i) Technological advances and changes in scientific knowledge and understanding.

The following reduction measures could also be considered in determining best available techniques:

- (a) Use of improved methods for flue-gas cleaning such as thermal or catalytic oxidation, dust precipitation, or adsorption;
- (b) Treatment of residuals, wastewater, wastes and sewage sludge by, for example, thermal treatment or rendering them inert or chemical processes that detoxify them;
- (c) Process changes that lead to the reduction or elimination of releases, such as moving to closed systems;
- (d) Modification of process designs to improve combustion and prevent formation of the chemicals listed in this Annex, through the control of parameters such as incineration temperature or residence.

For best environmental practices, the Conference of the Parties has welcomed the development of specific guidance. The following guidelines and guidance have been adopted:

- (a) Guidelines on best available techniques and provisional guidance on best environmental practices relevant to Article 5 and Annex C of the Stockholm Convention;

- (b) Draft guidance on identification and management of sites contaminated with POPs (currently being updated)

For chemicals listed with specific exemptions and/or acceptable purposes, guidelines on the prevention of releases from production and use have been prepared. When new chemicals are listed, consideration whether the updating of existing guidance and/or the development of new ones is done. List of guidance:

- (a) Guidance on best available techniques and best environmental practices for the use of perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA), and their related compounds listed under the Stockholm Convention;
- (b) Guidance on best available techniques and best environmental practices relevant to the polybrominated diphenyl ethers (PBDEs) listed under the Stockholm Convention;
- (c) Guidance on best available techniques and best environmental practices for the use of hexabromocyclododecane (HBCD) listed with specific exemptions under the Stockholm Convention;
- (d) Guidance on best available techniques and best environmental practices for the production and use of pentachlorophenol listed with specific exemptions under the Stockholm Convention.

Finally, for the development and update of relevant guidance, a roster of experts nominated by Parties and others are consulted in the process of review and update of the the guidelines and guidance on BAT/BEP and the toolkit of unintentional emissions and releases. Existing guidance, ongoing work and more information on BAT and BEP can be found on the Convention website.²⁰

Guidelines under the Basel Convention:

The Basel Convention's technical guidelines are drafted by small expert groups established by the Conference of the Parties, and typically responsible for developing technical guidelines pertaining to specific waste streams. The Conference of the Parties reviews and considers these technical guidelines for adoption.

The preamble of the Basel Convention emphasizes that Parties should take necessary measures to ensure that the management of hazardous wastes, including their transboundary movement and disposal is consistent with the protection of human health and environment and its environmentally sound management from generation, treatment, storage, recovery or final disposal. This encompasses environmentally sound management throughout the entire waste lifecycle, from generation and treatment to storage, recovery, and final disposal.

The Convention defines "environmentally sound management" of wastes subject to its control as taking all practicable steps to ensure that these wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes. In this regard, the Convention stipulates that technical guidelines for the environmentally sound management of the waste falling under its scope should be developed and adopted by the Conference of the Parties. These technical guidelines conform to the provisions of the Basel Convention. In particular, they respond to the obligations to Parties to ensure and achieve environmentally sound management of wastes, as obligated under Article 4 (2) (a) to (d) of the Basel Convention.

Although not legally-binding at the international level, technical guidelines provide for the foundation upon which Parties can operate at a standard that is not less environmentally sound than that required by

²⁰ <https://chm.pops.int/tabid/371/Default.aspx>.

the Basel Convention. These guidelines are aimed at assisting developing countries, in particular, in ensuring the environmentally sound management of hazardous and other wastes.

At its sixteenth meeting, the Conference of the Parties to the Basel Convention adopted the technical guidelines on the environmentally sound management of plastic wastes (UNEP/CHW.16/6/Add.3/Rev.1).²¹

10. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
11. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))
12. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member
13. To identify capacity building and training needs for each Member.

The Basel, Rotterdam and Stockholm conventions include the following measures to support the implementation of the instruments:

- **Technical assistance and financial mechanism:** Article 10 of the Basel Convention provides for Parties to cooperate with one another to improve and achieve environmentally sound management of hazardous wastes and other wastes. Article 16 of the Rotterdam Convention and Article 12 of the Stockholm Convention set out obligations related to technical assistance. On plastics, more than 50 countries are currently receiving technical assistance to strengthen their capacity for addressing plastic pollution.²²

Paragraph 6 of Article 13²³ defines a mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention. Paragraph 2 of Article 13 of the Convention states that developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under the Convention. The implementation of these commitments shall take into account the need for adequacy, predictability, the timely flow of funds and the importance of burden sharing among the contributing Parties. Paragraph 3 of Article 13 of the Convention states that "Developed country Parties, and other Parties in accordance with their capabilities and in accordance with their national plans, priorities and programmes, may also provide and developing country Parties and Parties with economies in transition avail themselves of financial resources to assist in their implementation of this Convention through other bilateral, regional and multilateral sources or channels."

²¹ <http://www.basel.int/Portals/4/Basel%20Convention/docs/plastic%20waste/UNEP-CHW.16-6-Add.3-Rev.1.English.pdf>.

²² <http://www.basel.int/tabid/8772>.

²³ <http://chm.pops.int/tabid/677>.

Article 14 of the Stockholm Convention establishes the interim financial arrangements.²⁴ The institutional structure of the [Global Environment Facility](#) (GEF),²⁵ operated in accordance with the Instrument for the Establishment of the Restructured Global Environment Facility, shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article 13.

Paragraph 8 of Article 13 sets out the provisions for the review of the Financial Mechanism. It states that the Conference of the Parties shall review, not later than its second meeting and thereafter on a regular basis, the effectiveness of the mechanism established under Article 13, its ability to address the changing needs of the developing country Parties and Parties with economies in transition, the criteria and guidance referred to in paragraph 7 of Article 13, the level of funding as well as the effectiveness of the performance of the institutional entities entrusted to operate the financial mechanism. It shall, based on such review, take appropriate action, if necessary, to improve the effectiveness of the mechanism, including by means of recommendations and guidance on measures to ensure adequate and sustainable funding to meet the needs of the Parties.

The Conference of the Parties further at its first meeting adopted a memorandum of understanding between the Conference of the Parties and the Council of the Global Environment Facility.²⁶ The Memorandum sets out provisions, among others, for guidance from the Conference of the Parties to the GEF, reporting, monitoring and evaluation, cooperation between Secretariats, and reciprocal representation.

Accordingly, the Conference of the Parties to the Stockholm Convention at its first and subsequent meetings further provided guidance to the financial mechanism²⁷ and made provisions for the assessment of funding needed under the Convention over a defined period.²⁸

- Emergency assistance:** The Basel Convention includes provisions on financial aspects to assist, in case of emergency situations, to minimize the damages resulting from accidents arising from the transboundary movement or disposal of hazardous and other wastes, as outlined in Article 14, paragraph 2. Under decision V/32, entitled "Enlargement of the Scope of the Technical Cooperation Trust Fund", the Secretariat of the Basel Convention may, upon request, assist a Party to the Convention which is a developing country or a country with economy in transition in case of an incident occurring during a transboundary movement of hazardous wastes and other wastes and their disposal, including illegal traffic as defined by the Convention. The Basel Convention has adopted Interim guidelines on the implementation of this decision. The Basel, Rotterdam and Stockholm conventions have adopted decisions BC-IX/10, RC-4/11 and SC-4/34, recommending that Parties to the conventions, during their implementing process, ensure close cooperation and coordination among relevant sectors, ministries or programmes at the national level, including through capacity building and technical assistance. These efforts pertain to various matters, including the prevention of accidents and the readiness to respond in case of emergencies. The BRS Secretariat cooperates closely with the

²⁴ <http://chm.pops.int/tabid/681>.

²⁵ <https://www.thegef.org/>.

²⁶ Decisions SC-1/11.

²⁷ Decisions SC-1/9, SC-2/11, SC-3/16, SC-4/27, SC-4/28, SC-5/23, SC-6/20, SC-7/21, SC-8/16, SC-9/15, SC-10/3, SC-10/16.

²⁸ Decisions SC-1/17, SC-2/12, SC-3/15, SC-4/24, SC-5/22, SC-6/17, SC-7/18, SC-8/16, SC-9/15, SC-10/16.

Joint Environment Unit of UNEP and OCHA (the United Nations Office for the Coordination of Humanitarian Affairs) to implement these decisions.

- **Regional centres:** The Basel and Stockholm Conventions have established a number of regional and subregional centres under both conventions to provide technical assistance, capacity building and to promote the transfer of technology to Parties that are developing countries or countries with economies in transition in order to enable them to implement their obligations under these conventions. There are a total of 23 regional centres.²⁹
- **Compliance procedures and mechanisms:** Under the Basel, Rotterdam and Stockholm conventions, the Committees are, among other things, to assist Parties to comply with their obligations (see the information in the section on “implementation measures”).
- **Information exchange and clearing-house mechanism:** Article 9 of the Stockholm Convention, Article 14 of the Rotterdam Convention and Articles 3, 4, 5, 6, 10, 11, 13 and 16 of the Basel Convention provide requirements relating to information exchange. The joint clearing-house mechanism under the Basel, Rotterdam and Stockholm conventions is a multi-stakeholder global system that facilitate the exchange of information and expertise relevant for the conventions.³⁰
- **Guidance and guidelines** developed under the conventions support the implementation of the conventions, in particular for Parties that are developing countries and countries with economies in transition.
- **Partnerships** established under the conventions also contribute to support the implementation of the conventions. For example, established in 2019 by the Conference of the Parties to the Basel Convention, the Plastic Waste Partnership³¹ is delivering its activities through 4 project groups: plastic waste prevention and minimization; plastic waste collection, recycling and other recovery including financing and related markets; transboundary movements of plastic waste; outreach, education and awareness-raising. 23 pilot projects are being implemented in 22 countries, with a second round of regional and national projects to commence in 2023. Recent progress includes the approval of reports on best practices and lessons learned on measures taken by key stakeholders to prevent and reduce single use plastic waste and packaging waste, and approval of a compilation of national and international specifications related the Basel Convention plastic waste amendments to aimed at assisting Parties in their implementation. Further information is available on the PWP webpages.³²

²⁹ <http://www.brsmeas.org/tabid/2636>.

³⁰ <http://www.brsmeas.org/tabid/5382>.

³¹ <http://www.basel.int/tabid/8096>.

³² <http://www.basel.int/tabid/8096>.